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CIRCUIT COURT
DANVILLE, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF DANVILLE

RAYMOND E. HERRING)
Plaintiff)

v.)

HERITAGE TOWERS APARTMENTS LLC)
c/o Glenda McDermont)
Registered Agent)
231 South Ridge Street)
Danville, VA 24541)
Defendant)

COMPLAINT

CL17- 1030

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now the plaintiff, Raymond E. Herring, and moves the Court for judgment against the defendant, Heritage Towers Apartments LLC, on the grounds and in the amount as hereinafter set forth:

1. Defendant is a Virginia LLC doing business in the city of Danville, Virginia, under the name of Heritage Towers Apartments LLC at 231 South Ridge Street in the city of Danville, Virginia.

2. Defendant operates an apartment complex in which the plaintiff is a resident.

3. Defendant occupies and controls the premises located at the above address in which its

apartments are located.

4. Defendant, at all times relevant, was under a duty to keep its premises in a safe and sound condition, to warn of any hazards not visible or otherwise known to the public and, in general, so maintain its premises as not to cause a danger to members of the public, and, in particular, the plaintiff entering as a business invitee.

5. On July 5, 2016, plaintiff was assisting another resident, Kathleen Tony, holding the door for her to go through in her wheel chair and the mat buckled causing his legs to cross and then his left leg turned up under his right leg and he couldn't move. He called for help and Linda Ayers was behind him and pulled his leg out from under him and helped him to get up. She stated that she had seen these mats

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buckle before and she has tripped on them before but did not fall.

6. Not notwithstanding its duties, and in negligent breach thereof, the defendant permitted its premises to be in unsafe and unfit condition for the entrance of the plaintiff, and other members of the public and failed to warn the plaintiff of hidden and unseen hazards on the premises.

7. As a direct and proximate result of defendant's negligence, plaintiff fell and was severely injured.

8. As a direct and proximate result thereof, plaintiff sustained serious and permanent injuries, has been prevented from transacting his business, has suffered and will continue to suffer great pain of body and mind; has sustained permanent disability, deformity and loss of earning capacity; and has incurred and will incur in the future hospital, doctors' and related bills in an effort to be cured of said injuries.

For the foregoing reasons, plaintiff moves the court for judgment against the defendant in the amount of \$150,000, together with interest at the judgment rate from July 5, 2016 and for his costs incurred.

Plaintiff demands a jury trial.

RAYMOND E. HERRING

By Counsel

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